IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2252 of 2007

Janantunanisa Javed Nisar Ansari — Applicant
Vs.
State of Maharashtra — Respondent

Ms.Nasreen Ayubi, Advocate appointed for the applicant.

Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 20, 2007.

P.C.

. This is an application by Smt. Janantunanisa Javed Nisar Ansari praying for directions to transfer convict Shri Javed Nisar Ahmed Ansari to the open prison at Atpadi.

. The learned APP has filed the affidavit of Shri Suryabhan Namdeo Rakh, Jailor Group-II, Yerwada District Open Prison at Pune and has stated that Shri Javed Nisar Ahmed Ansari was convicted and sentenced to suffer life imprisonment as per the judgment and order dated 18/7/2001 in Sessions Case No.1332 of 1998 for the offence punishable under Section 302 read with Section 34 of IPC. He was released on parole and during that period the applicant married

him. Shri Ansari has been transferred to the Yerwada Open District Prison on 31/3/2006 and he has completed 16 months of his stay in the said Open District Prison at Yerwada. As per the Maharashtra Open Colony for Temporary Released Prisoners Rules, 1971 a committee has ben constituted by the State Government under the Chairmanship of the Inspector General of Prisons and as per the said Rules, the prisoner who has completed 1/4th RI or has locked in open prison for more than two years period is eligible to be transferred at the Open Colony, Atpadi. It has been further pointed out that there are 28 rooms and 25 have already been occupied, thus remaining three rooms vacant. The Committee had selected 24 new prisoners and sent list on 18/7/2007 to the Government for approval. It has been further stated that the claim of Shri Javed Ansari will be considered after he completes two years in the Open Prison at Pune and depending upon the vacant rooms available at Atpadi.

. In view of the undertaking given by the jail authorities that a fresh application of Shri Javed Ansari would be consideration on completion of his stay of two years at Open Prison at Yerwada, no

further orders are required to be passed on the application submitted by his wife and hence the application is disposed off in terms of the undertaking.

(B.H.MARL